IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Bail Appl..No. 5296 of 2007()

CRIME NO. 245/07 OF PEERMADE POLICE STATION
CMP.2262/2007 of J.M.F.C.,PEERUMEDU

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PETITIONERS/A1 TO 4 & 6

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1. SOMAN, S/O.RAJU K.M.,
SOBIN NIVAS, HELIBERIA ESTATE P.O.,
ELAPPARA VILLAGE.

2. ANEESH, S/O.THANGA NADAR, 14TH MURI,
HELIBERIA ESTATE P.O.,ELAPPARA VILLAGE.

3. RAJU, S/O.THAPASIMUTHU, HELIBERIA ESTATE
PUTHUVAL,HELIBERIA ESTATE LINES,PELIBERIA PUTHVAL,
ELAPPARA VILLAGE.

4. ANILKUMAR, S/O.CHELLANDI,
HELIBERIA ESTATE LINES,PELIBERIA P.O.,
ELAPPARA VILLAGE.

5. BALAN, S/O.THPASIMUTHU NADAR,
ALEX BHAVAN, HELIBERIA ESTATE,
HELIBERIA P.O.,ELAPPARA VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5296 of 2007

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Dated this the 11th day of September, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 to 4 and 6. Altogether there are seven accused persons. Crime is registered, inter alia, under Sections 302 and 324 I.P.C. Accused 5 and 7, being juveniles, have already been arrested and enlarged on bail. The petitioners continue in custody from 1.8.2007 (A1 to A4) and 7.8.2007 (A6).

2. The crux of the allegations against the petitioners is that they, on account of personal animosity, had gone to the house of the deceased and had attacked the deceased with weapons like wheel spanner and wooden logs. The wife of the deceased, who tried to intervene, also suffered injuries. The deceased breathed his last on the date of occurrence itself, i.e. 23.7.2007.

3. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Even assuming that all the overt acts alleged against them are true, there is no possibility of the petitioners being held guilty of any offence of causing death. The

deceased did not succumb to the injuries suffered. He had heart disease and his death is attributable to such ailment of his. Even assuming that the tension created by he incident in this case may have accelerated death, it may not be held that death was on account of any specific overt act on the part of the petitioners. In any view of the matter, the petitioners who remain in custody from 1.8.07/7.8.07, may now be enlarged on bail, submits the learned counsel.

4. The learned Prosecutor does not oppose the application. He submits that in view of the strain in the relationship between the rival groups, appropriate directions and conditions may be imposed in the interests of the law and order situation in the locality.

5. Having considered all the relevant inputs, I am satisfied that the petitioners can be enlarged on bail now subject of course to appropriate conditions.

6. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) They shall make themselves available for interrogation before the Investigating Officer on all Mondays between 10 a.m. and 1 p.m. for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) The petitioners shall not, except for the purpose of complying with condition (b) above, enter the jurisdiction of Peermedu police station until further orders without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

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